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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 MINNIE L. ESPINO,  
10 Plaintiff,

No. C 18-02729 JSW

11 v.  
12 WINN RESIDENTIAL,  
13 Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING CASE WITH LEAVE TO  
AMEND IN PART**

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15 On July 27, 2018, Magistrate Judge Joseph C. Spero issued a Report and Recommendation,  
16 in which he recommended the Court dismiss Plaintiff's first amended complaint with leave to amend  
17 and to dismiss her claim under 18 U.S.C. section 242 with prejudice. Plaintiff has not filed an  
18 objection to the Report and Recommendation within the time required by Federal Rule of Civil  
19 Procedure 72.

20 The Court has reviewed Magistrate Judge Spero's Report and Recommendation and finds it  
21 correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the Court  
22 HEREBY DISMISSES the above-captioned action with leave to amend, with the exception that the  
23 claim under 18 U.S.C. section 242 be dismissed with prejudice as the claim cannot be cured.

24 If Plaintiff intends to file an amended complaint to continue to pursue this action, she must  
25 file such a complaint by no later than **September 28, 2018**. In this regard, the Court advises  
26 Plaintiff that a Handbook for Pro Se Litigants, which contains helpful information about proceeding  
27 without an attorney, is available through the Court's website or in the Clerk's office. The Court also  
28 advises Plaintiff that she also may wish to seek assistance from the Legal Help Center. Plaintiff may

1 call the Legal Help Center at (415) 782-8982 or sign up on the 15th Floor of the San Francisco  
2 Courthouse, Room 2796, or on the 4th Floor of the Oakland Courthouse, Room 470S, for a free  
3 appointment with an attorney who may be able to provide basic legal help, but not legal  
4 representation.

5 Plaintiff is admonished that failure to file an amended complaint by **September 28, 2018**  
6 shall result in dismissal of this action in its entirety.  
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8 **IT IS SO ORDERED.**

9 Dated: August 21, 2018

  
10 JEFFREY S. WHITE  
11 UNITED STATES DISTRICT JUDGE  
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